

Mid Devon District Council Local Plan Review Examination

The Council may be aware of the recent judgment of the Court of Justice of the European Union in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17).

The implication of the judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the Habitats Regulations Assessment screening stage, whether a plan (or indeed a project) is likely to have an adverse effect on a European Site. The Council is the competent authority throughout the local plan process but in determining whether the Plan is sound, the examining Inspector needs to consider carefully whether the requirements of the Habitats Regulations have been met.

In the light of the judgment, I would be grateful if the Council could review the submitted HRA and confirm the extent to which it is legally compliant. The screening assessment may need to be revisited to facilitate that. If additional work is required, in the form of an appropriate assessment, for example, then this should be carried out.

I realise that this may have a bearing on the Preliminary Hearings that are in the process of being arranged so an early indication of whether these need to be put off to allow for any additional work would be helpful.

Yours faithfully

Paul Griffiths

Inspector

11 May 2018